

## **REMARKS**

Applicant gratefully acknowledges the courtesy of the Examiner in granting an interview to Applicant's representative David Zviel, registration number 41,392, on 31 October 2007. Examiner Christopher Revak was also present at the interview. In the interview, a proposed amendment to claim 105 was discussed. It was agreed that the proposed amendment of claim 105 appears to overcome the outstanding rejection of claim 105 under 35 USC 112 first paragraph. The Examiner indicated that the limitation proposed regarding the permanent, or more permanent, nature of the PECM will be the main focus of search upon filing of the proposed amendment. The Examiner suggested that the Applicant show where the specification supports the limitation; such support is discussed below.

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

In the outstanding Office Action, the Examiner has objected to the specification as failing to provide proper antecedent basis to the claimed subject matter. Particularly, the Examiner requested correction in light of the previous amendment of claim 105. Applicant respectfully submits that the present amendment of claim 105 removes the source of the Examiner's objection, and therefore no further action has been taken by the Applicant in light of the objection to the Specification.

Claims 105 - 112 and 171 - 175 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claims 105 - 107, 109 - 110, and 171 - 175 stand rejected under 35 USC 103(a) as being unpatentable over US Patent 6,393,562 of Maillard and further in view of US Patent 5,799,081 of Kim et al.

Maillard describes a receiver/decoder programmed only to accept a current entitlement control message (EMM) if it has received at least a previous EMM of a previous calendar period. When the EMM is received, it is used to check present rights in the receiver/decoder.

Kim describes an illegal view/copy method for a digital broadcasting system.

As discussed in the above-mentioned interview, the claim 105, as amended appears to overcome the rejection under 35 USC 112, first paragraph.

Claim 105 before the present amendment recited the limitation “said ECM and said EMM together not being sufficient to enable said end user device to play back said scrambled digital content” and the limitation “said ECM and said EMM and said PECM together being sufficient to enable said end user device to play back said scrambled digital content”. The rejection under 35 USC 103(a) relates primarily to the indicated limitations.

While Applicant does not necessarily agree with the Examiner’s rejection based on Maillard in view of Kim, nonetheless, claim 105, after the present amendment no longer recites the limitations mentioned above. Applicant posits that claim 105 after amendment is particularly distinct from the Maillard and Kim combination.

The present amendment is supported, inter-alia, on page 9, line 16 through page 10, line 1, and page 13, lines 20 - 24 in the originally filed application (which is the published PCT format WO 01/50755).

Claim 105 is therefore deemed allowable.

Claims 106 - 107, 109 - 110, and 171 - 175 all depend from amended claim 105 and recite additional patentable material.

Claims 106 - 107, 109 - 110, and 171 - 175 are deemed allowable in light of the discussion of the above allowability of claim 105.

Claim 108 stands rejected under 35 USC 103(a) as unpatentable over the Maillard and Kim combination discussed above, and further in light of US Patent 7,039,614 of Candelore.

Candelore describes a method for storing a normal scrambled digital program is provided. The method includes receiving a scrambled program, and receiving a plurality of access requirements. Each access requirement can descramble the scrambled program.

Claim 108 depends from amended claim 105 and recites additional patentable material.

Claim 108 is deemed allowable in light of the discussion of the above allowability of claim 105.

Claims 84 - 90, 92 - 104, 111 - 112, 124 - 140, 166 - 170, and 176 - 180 stand rejected under 35 USC 103(a) as being unpatentable over Maillard and further in light of US Patent 6,069,952 to Saito et al.

Saito describes a data copyright management system comprising a database for storing original data, a key control center for managing crypt keys, copyright management center for managing data copyrights, and a communication network for connecting these sections.

The Examiner, in the present office action writes that “Maillard failed to disclose transferring said scrambled digital content and the ECM directly from said first end user device to a second end user device; and unscrambling said scrambled digital content by said second end user device according to the ECM only after said permission message is activated for said end user device.”

The Examiner then further cites Saito “that in a content distribution system, an authorized user can send encrypted content to an unauthorized user, at which point **the unauthorized user can contact a control center to receive authorization and a decryption key for the content**” (emphasis added).

Maillard describes that “According to one aspect of the present invention there is provided a method of preventing fraudulent access in a conditional access system which is linked to a subscriber's receiver/decoder for receiving an entitlement management message (EMM) for a group of subscribers to enable said system to provide access for a respective subscriber, the method including the step of: programming the receiver/decoder **only to accept a current EMM of a current calendar period if it has received at least a previous EMM of a previous calendar period**” (emphasis added, Maillard, abstract, claim 1, and see also col. 2, lines 58 - 67, inter-alia).

Saito, on the other hand, requires that the **unauthorized user can contact a control center to receive authorization and a decryption key for the content**. That is to say, that while Saito requires that the user take an action in order to receive authorization to view content, in Maillard, by contrast, the authorization to

view comes automatically to the user, provided that the user has the EMM from the previous calendar period.

Applicant therefore respectfully submits that the combination of Maillard, which requires an EMM from an earlier period, and Saito, which requires the unauthorized user to contact a control center to receive a [currently usable] decryption key, results in an inoperative combination.

Thus, Applicant respectfully traverses the rejection of claims 84 - 90, 92 - 104, 111 - 112, 124 - 140, 166 - 170, and 176 - 180.

Accordingly, claims 84 - 90, 92 - 104, 124 - 140, 166 - 170, and 176 - 180 are deemed allowable, in light of the above arguments.

Claims 111 - 112 both depend from amended claim 105 and recite additional patentable material.

Claims 111 - 112 are deemed allowable in light of the discussion of the above allowability of claim 105, as well as the above discussion of the inoperability of the Maillard - Saito combination.

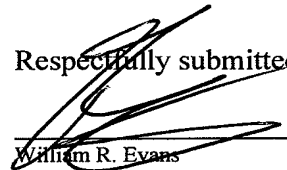
New claims 187 and 188 both depend from amended claim 105 and recite additional patentable material.

New claims 187 and 188 are supported, inter-alia, on page 9, line 16 through page 10, line 1 and page 13, lines 20 - 24 in the originally filed application (which is the published PCT format WO 01/50755).

New claims 187 and 188 are deemed allowable in light of the discussion of the above allowability of claim 105.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

  
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